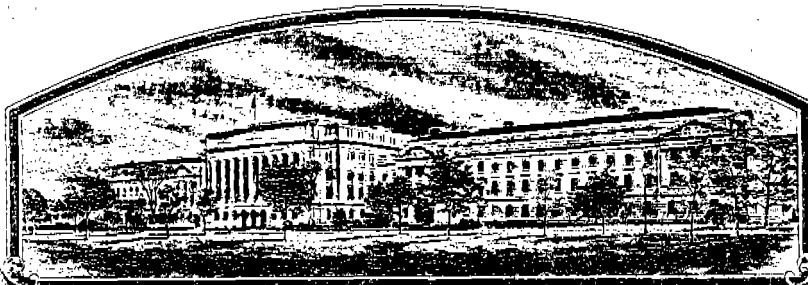


No.



7100095

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

Ferry-Morse Seed Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED NOVEL VARIETY OF SEXUALLY REPRODUCED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN --THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH. AND THE TITLE THERETO IS. FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF ~~A&v&n&en-~~ YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT (STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LETTUCE

Super 59

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington this tenth day of April in the year of our Lord one thousand nine hundred and seventy three.

Attest:

R. J. Rollins
Commissioner
Plant Variety Protection Office
Grain Division
Agricultural Marketing Service

Earl I. Buttz

Secretary of Agriculture

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

INSTRUCTIONS: See Release

1. VARIETY NAME OR TEMPORARY DESIGNATION Super 59	2. KIND NAME Head Lettuce	FOR OFFICIAL USE ONLY PVPO NUMBER 7195	
3. GENUS AND SPECIES NAME Lactuca sativa	4. FAMILY NAME (Botanical) Compositae	FILING DATE 4/28/71	TIME 9:30 A.M.
5. DATE OF DETERMINATION February 2, 1970	6. NAME OF APPLICANT(S) Ferry-Morse Seed Company Dr. George C. Emery, Breeder	7. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP Code) P. O. Box 100 111 Ferry-Morse Way Mountain View, California 94040	8. TELEPHONE AREA CODE AND NUMBER (415) 967-6973
9. IF THE NAMED APPLICANT IS NOT A PERSON, FORM OF ORGANIZATION (Corporation, partnership, association, etc.) Corporation	10. STATE OF INCORPORATION California	11. DATE OF INCORPORATION 7 April 1969	

12. Name and mailing address of applicant representative(s), if any, to serve in this application and receive all papers:

CHECK BOX BELOW FOR EACH ATTACHMENT SUBMITTED:

☒ 1A. Exhibit A. Origin and Breeding History of the Variety (See Section 52, P.L. 91-577)

☒ 1B. Exhibit B. Botanical Description of the Variety

☒ 1C. Exhibit C. Objective Description of the Variety

☒ 1D. Exhibit D. Data Indicative of Novelty

☒ 1E. Exhibit E. Statement of the Basis of Applicant's Ownership

The applicant declares that a viable sample of basic seed of this variety will be deposited upon request before issuance of a certificate and will be replenished periodically in accordance with such regulations as may be applicable. (See Section 52, P.L. 91-577).

14A. Does the applicant(s) specify that seed of this variety be sold by variety name only as a class of certified seed? (See Section 53(a), P.L. 91-577) If "Yes," answer 14B and 14C below. ☐ YES ☒ NO

14B. Does the applicant(s) specify that this variety be limited as to number of generations? ☐ YES ☐ NO

14C. If "Yes," to 14B, how many generations of production beyond breeder seed?

Applicant is informed that false representation herein can jeopardize protection and result in penalties.

The undersigned applicant(s) of this sexually-reproduced novel plant variety believes that the variety is distinct, uniform, and stable as required in Section 41 and is entitled to protection under the provisions of Section 42 of the Plant Variety Protection Act (P.L. 91-577).

April 12, 1971 (DATE)	George C. Emery (SIGNATURE OF APPLICANT)	1
April 12, 1971 (DATE)	Ferry-Morse Seed Company by: J. V. Brandt (SIGNATURE OF APPLICANT), Vice President	

Variety: Super 59

Exhibit A: Origin and Breeding History of the Variety

Super 59 was originally selected as a single plant from a field of Great Lakes 659. The selection was made in the Phoenix, Arizona area in the winter of 1966-67. Plants were selectively massed from the S₁ progeny row in 1967. Two single plant selections were taken from the S₂ row of the mass in 1968. S₃ progeny rows of the two singles were grown in the Imperial Valley in fall and early winter of 1968-69; conditions were similar to those which Great Lakes 659 is adapted. Single S₄ plants from each row were selected and their seed bulked to form the bulk mass designated 3C-16. This S₅ mass was again planted in the Imperial Valley in the fall and early winter of 1969-70. Because the line was noted to be earlier, with a larger head and frame, and with greater uniformity than Great Lakes 659, the decision to increase the line as a possible new variety was made February 2, 1970.

The line was increased during the summer of 1970 with no variants appearing in 1500 plants. An Imperial Valley trial in the winter of 1970-71 indicated the uniformity and improvement over Great Lakes 659 was still expressed and no variants were found in 43 plants.

Variety: Super 59

Exhibit A: Origin and Breeding History of the Variety

Variety: Super 59

Exhibit B: Botanical Description of the Variety

Seedling growth is medium rapid and vigorous. Initial growth is a rosette. Head leaves begin to fold in approximately three weeks before the head reaches a mature size. Under fall and early winter conditions marketable maturity is reached in approximately 90 days with average temperatures. Bolting is slow.

The mature plant is a crisphead type. Frame leaves are medium large and slightly curved upward; wrapper leaves are medium high and medium close around the head. Foliage color is a medium dark green, darker and less grey than Imperial types. The leaf surface is glossy, medium smooth; leaf margins are serrated, medium frilly and deeply cut (more frilly than most other Great Lake varieties, less so than Mesa 659).

The head is round with a slightly flattened base, smooth bottom, not ribby, medium (24 heads/carton size) head size with medium core diameter and length.

The mature seed stalk is medium in height with a large panicle containing numerous pale yellow flowers.

The seed are white, almond-shaped, pointed at one end with longitudinal furrows in the seed coat.

Variety: Super 59

Exhibit B: Botanical Description of the Variety

OBJECTIVE DESCRIPTION OF VARIETY
(LETTUCE)

INSTRUCTIONS: See reverse.

NAME OF APPLICANT(S)

FERRY-MORSE SEED COMPANY

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

P. O. Box 100
111 Ferry-Morse Way
Mountain View, California 94040

FOR OFFICIAL USE ONLY

PVPO NUMBER

297 - 1 - 7195

VARIETY NAME OR TEMPORARY
DESIGNATION

SUPER 59

Place the appropriate number that describes the varietal character of this variety in the boxes below.

1. PLANT TYPE:		30 = COS	40 = CRISPHEAD
<input type="text" value="42"/>	10 = CUTTING (Leaf) 50 = BUTTERHEAD 70 = OTHER (Specify)	31 = SELF-CLOSING GROUP 32 = LOOSE-CLOSING GROUP	41 = IMPERIAL GROUP 42 = GREAT LAKES GROUP 43 = VANGUARD 44 = NEW YORK GROUP
2. SEED COLOR:		3. ANTHOCYANIN:	
<input type="text" value="1"/>	1 = WHITE 2 = BLACK 3 = YELLOW	<input type="text" value="1"/>	1 = ABSENT 2 = PRESENT
4. LEAF CONTAINING ANTHOCYANIN:			
<input type="text" value="4"/> 1 = COVERED 2 = SPOTTED 3 = ALONG MARGIN 4 = ABSENT 5 = OTHER (Specify)			
5. LEAF SURFACE TEXTURE:		6. LEAF SURFACE REFLECTANCE:	
<input type="text" value="1"/>	1 = SMOOTH 2 = BLISTERED	<input type="text" value="2"/>	1 = DULL 2 = GLOSSY 3 = OTHER (Specify)
7. LEAF MARGIN:		8. LEAF SHAPE:	
<input type="text" value="2"/>	1 = STRAIGHT 2 = WAVY 3 = CURLED	<input type="text" value="2"/>	1 = ENTIRE 2 = DENTATE 3 = INCISED 4 = DEEPLY INCISED 5 = OTHER (Specify)
<input type="text" value="1"/>	1 = ROUNDED 2 = POINTED	<input type="text" value="1"/>	1 = BROADER THAN LONG 2 = LONGER THAN BROAD 3 = OTHER (Specify)
9. LEAF COLOR: (See reverse.)			
<input type="text" value="7"/>	1 = RED 2 = REDDISH-BROWN 3 = YELLOW 4 = YELLOWISH-GREEN 5 = GREYISH-GREEN 6 = BLUE-GREEN 7 = DARK-GREEN 8 = VERY DARK GREEN		
10. HEADS:		11. PLANT SIZE: (See reverse.)	
<input type="text" value="1"/>	1 = SPHERICAL 2 = FLATTENED 3 = ELONGATE 4 = POINTED 5 = NON-HEADING	<input type="text" value="2"/>	1 = SMALL 2 = MEDIUM 3 = LARGE
12. CULTURE:			
<input type="text" value="1"/>	1 = SUMMER CROP 2 = WINTER CROP 3 = NOT SPECIFIC 4 = UNDER GLASS 5 = OTHER (Specify)		
13. SIZE OF 10-DAY OLD SEEDLING GROWN UNDER CONSTANT LIGHT (Growth Chamber) AT 25° C.: (Place a zero in first box (i.e. 0 2)) when size is 9 mm. or less.)			
<input type="text" value="0"/>	<input type="text" value="2"/> mm. LENGTH OF SEEDLING	<input type="text" value="0"/>	<input type="text" value="2"/> mm. LENGTH OF COTYLEDON
<input type="text" value="0"/>	<input type="text" value="2"/> mm. WIDTH OF COTYLEDON		
14. DISEASE RESISTANCE TO: (Enter source in box(es) where there is no special disease resistance.)			
<input type="text" value="1"/>	1 = TIPBURN	<input type="text" value="1"/>	2 = MOSAIC
<input type="text" value="1"/>	3 = DAMPING OFF	<input type="text" value="1"/>	4 = DOWNY MILDEW
<input type="text" value="1"/>	5 = SCLEROTINIA ROT	<input type="text" value="0"/>	6 = BROWN BLIGHT
<input type="text" value="0"/>	7 = BIG VEIN	<input type="text" value="0"/>	8 = OTHER (Specify)
15. OUTLINE THE FOURTH LEAF: (For standardization purposes, the fourth leaf should be taken from a 20-day old plant grown under constant light.)			

0 - Not Tested, 1 - Susceptible, 2 - Resistant

Variety: Super 59

Exhibit D: Data Indicative of Novelty

Super 59 most closely resembles Great Lakes 659. Under conditions to which Great Lakes 659 is adapted, Super 59 has a slightly earlier (1 to 2 days) maturity, slightly larger head and frame size ($\frac{1}{2}$ inch larger diameter), and greater head weight; it has a more uniform plant size, a slightly smoother leaf, less frilly leaf, and lower frequency of spiraling than Great Lakes 659.

Variety: Super 59

Exhibit D: Data Indicative of Novelty

16. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

CHARACTER		NAME OF VARIETY				
Leaf color		G.L. 659				
Leaf pigmentation		G.L. 659				
Leaf shape		G.L. 659				
Plant size		G.L. 659				
Head size		G.L. 659				
VARIETY	NO. OF DAYS TO HEAD MATURITY UNDER WINTER CROPPING	LOCATION	NO. OF DAYS TO HEAD MATURITY UNDER SUMMER CROPPING	LOCATION	NO. OF DAYS TO SEED STALK EMERGENCE UNDER SUMMER CROPPING	LOCATION
Submitted						
Similar						
Name of similar variety						

INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for completing this form:

1. C. M. Rodenburg, 1960, Varieties of Lettuce, An International Monograph, Instituut Voor de Veredeling van Tuinbouwgewassen, Wageningen, Holland.
2. L. L. Morse, 1930, Field Notes on Lettuce, published by Ferry-Morse Seed Co.

LEAF COLOR: Nickerson's or any recognized color fan may be used to determine the leaf color of the described variety. The following lettuce varieties may be used as a guide to identify the eight colors listed on the form.

Color	Variety
Red	"Salad Trim"
Reddish-brown	"Ruby"
Yellow	"Salad Bowl"
Yellowish-green	"Oakleaf"
Greyish-green	"White Boston"
Bluish-green	"Bibb"
Dark-green	"Imperial" group
Very dark green	"Deer Tongue"

PLANT SIZE: The following varieties may be used as a guide to identify the plant type size:

TYPE	COMPARABLE VARIETIES		
	SMALL	MEDIUM	LARGE
Cutting (leaf)	Boston-Curled	Prize Head	Grand Rapids
Stalk (stem)	Celtuce	--	--
Cos	Express	Parris Island	Giant White
Crisphead	Mignonette	Hanson (Merit)	Climax
Butterhead	Tom Thumb	Big Boston	Mammoth Butter
Latin	Sucline	Creole	Deer Tongue

EXHIBIT "E"

Plant Variety Protection Application

No: 7195

ASSIGNMENT

I, GEORGE C. EMERY, agree and hereby
do transfer and assign to FERRY-MORSE SEED COMPANY all of my rights,
title, and interest in and to that certain variety namely,
LETTUCE - SUPER 59,
for which application for Plant Variety Protection Certificate has been
filed. This agreement shall be binding on my administrators, successors
and assigns.

In Witness Whereof, I have executed this agreement this
11 day of January, 1973.

BREEDER

George C. Emery

ASSIGNMENT OF INTELLECTUAL PROPERTY

WHEREAS, HARRIS MORAN SEED COMPANY, a corporation duly organized and existing under the laws of the State of Maryland, having its principal place of business at 4511 Willow Road, Suite 3, Pleasanton, California 94588 ("Assignor"), has, pursuant to that certain Bill of Sale and Assignment dated as of June 30, 1997, transferred to FERRY-MORSE SEED COMPANY (CALIFORNIA), a corporation duly organized and existing under the laws of the State of California, having its principal place of business at 555 Codoni Avenue, P.O. Box 4938, Modesto, California 95352-4938 ("Assignee"), all of the intellectual property Assignor had adopted, used and was using as of the effective date of this Assignment, including without limitation, the intellectual property represented by the United States Plant Variety Protection Certificates of Assignor identified on Schedule A hereto (collectively, the "Property"); and

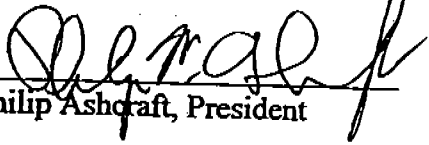
WHEREAS, on the date hereof, Assignee has changed its name to "Harris Moran Seed Company";

NOW, THEREFORE, effective by this instrument as of the close of business on June 30, 1997, and for good and valuable consideration, receipt of which is hereby acknowledged, Assignor hereby assigns to Assignee any and all right, title and interest worldwide in and to the Property and any and all recordations thereof, including, but not limited to, the use of the Property in any manner, all benefit of any and all prior use of the Property, and any and all rights to initiate claims or proceedings for past, present or future infringements of Assignor's rights, title and interest in and to the Property.

Dated: as of June 30, 1997

HARRIS MORAN SEED COMPANY

By:


Philip Ashcraft, President

CERTIFICATE OF AMENDMENT
OF THE
ARTICLES OF INCORPORATION
OF

FERRY-MORSE SEED COMPANY (CALIFORNIA)
(a California corporation)

11400010

ENDORSED
FILED

In the office of the Secretary of State
of the State of California

JUN 30 1997

Bill Jones
BILL JONES, Secretary of State

To the Secretary of State
State of California

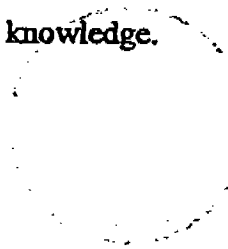
Pursuant to the provisions of the General Corporation Law of the State of California, the undersigned officers of FERRY-MORSE SEED COMPANY (CALIFORNIA), a California corporation (the "Corporation"), do hereby certify as follows:

1. The name of the Corporation is Ferry-Morse Seed Company (California).
2. Article One of the Corporation's Articles of Incorporation, which relates to the name of the Corporation, is hereby amended in its entirety to read as follows:

One. The name of this Corporation is:
HARRIS MORAN SEED COMPANY.
3. The amendment herein provided for has been approved by the Corporation's Board of Directors.
4. The amendment herein provided for was approved by the written consent of the Corporation's sole shareholder in accordance with the provisions of Section 902 of the California General Corporation Law. The total number of outstanding shares of the corporation is 5,000.

IN WITNESS WHEREOF, each of the undersigned does hereby declare under the penalty of perjury that he or she signed the foregoing Certificate of Amendment as of June 30,

1997, in the Town of Modesto, State of California, in the official capacity set forth beneath his or her signature and that the statements set forth in this certificate are true of his or her own knowledge.

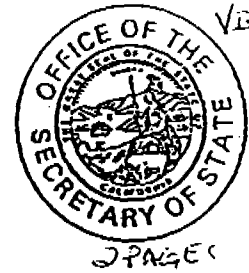

Yves Queste
Yves Queste, President

Helen Andritsakis
Helen Andritsakis, Secretary

State of California



SECRETARY OF STATE



I, *BILL JONES*, Secretary of State of the State of California, hereby certify:

That the attached transcript has been compared with the record on file in this office, of which it purports to be a copy, and that it is full, true and correct.

IN WITNESS WHEREOF, I execute
this certificate and affix the Great
Seal of the State of California this

JUN 30 1997



Bill Jones

Secretary of State